

# FARMINGTON CITY COUNCIL MEETING

February 5, 2008

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## CITY COUNCIL WORK SESSION / EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, Financial Director Keith Johnson, Recording Secretary Kami Mahan, and WFRC (Wasatch Front Regional Council) representative Wayne Bennion.

**Mayor Harbertson** began discussion at 6:05 p.m. **Sid Young** offered the invocation

### Discussion with Wayne Bennion

**Wayne Bennion** of the Wasatch Front Regional Council handed out a material packet to Council members and reviewed the organization and function of the WFRC. **Mr. Bennion** addressed the makeup of the WFRC Board, future transportation projects, legislation pertaining to transportation, funding, corridor preservation, challenges facing transportation development, growth issues, and the Regional Council's suggestions for cities regarding transportation.

### (Agenda Item #6): Request for Waiver of site plan Engineering deposit fees

**Max Forbush** distributed an update to the packet materials for this Agenda item and reviewed some background of the engineering deposit fees for the CenterCal project. He explained his recommendation that the City not waive the fees.

[**David Petersen** arrived at the meeting at 6:25 p.m.]

### (Agenda Item #8): Approval of Agreement and related scope of work between City and Logan-Simpson Design regarding Conservation Subdivision Ordinance text amendments (Chapter 12, Etc., of Title 11)

**David Petersen** reviewed this item. **Rick Dutson** raised concern over some of the projected costs, and **Mr. Petersen** said he would obtain more clarification.

### (Agenda Item #14): Preliminary review of proposed budget changes to be considered at February 19 City Council Meeting

**Max Forbush** distributed copies of the Farmington City Amended 2008 budget, which **Keith Johnson** reviewed with the Council.

The meeting adjourned at 6:55 p.m.

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**REGULAR CITY COUNCIL SESSION / CITY CHAMBERS / CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Financial Director Keith Johnson, City Engineer Paul Hirst, City Planner David Petersen, Recording Secretary Kami Mahan.

**Mayor Harbertson** called the meeting to order at 7:04 p.m. Mayor **Scott Harbertson** offered the invocation. The Pledge of Allegiance was led by **Colton Thurgood**.

**READING AND APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Agenda Item #2)**

The Council reviewed the minutes of the January 22, 2008 City Council meeting, and corrected some minor items.

**Motion**

**Rick Dutson** moved to approve the minutes of the January 22, 2008 City Council meeting, with changes as noted. **Sid Young** seconded the motion, which passed unanimously.

**REQUEST FOR BOUNDARY LINE ADJUSTMENT BETWEEN CITY AND AAMODT PROPERTIES AT APPROXIMATELY 600 NORTH MAIN AND PARK LANE (Agenda Item #3)**

**Mayor Harbertson** introduced this Agenda item. **David Petersen** referred to the overhead map of the property and briefly explained the proposed boundary changes.

**Motion**

**David Hale** made a motion to approve the proposed boundary line adjustment agreement; authorizing the Mayor to sign the same; and authorizing staff to record the appropriate deeds and notice of lot-line adjustment document once executed. **Paula Alder** seconded the motion, which passed by a unanimous vote.

**CONSIDERATION OF REQUEST FOR REVOCATION AND ABANDONMENT OF STORM WATER & PUE EASEMENTS / CONSIDERATION OF ACCEPTANCE OF NEW PUE EASEMENT ON CLYDE HEINER PROPERTY IN HIDDEN QUAIL COVE SUBDIVISION (Agenda Item #4)**

**Mayor Harbertson** introduced this item, and **David Petersen** showed the storm water and PUE easement locations on the overhead map of the property. He referred the Council to the packet materials containing the “Revocation and Abandonment of Easement” and “Easement” forms, and said the City wants to retain a ten-foot public utility easement.

**The Mayor** pointed out that CRS Engineering has done the engineering work, and that additional bills are expected. **Max Forbush** said estimated engineering and legal costs will run approximately \$1,500. **The Mayor** clarified that this action is in response to Clyde Heiner’s request. **Sid Young** raised the issue of drainage into the pond from Parcel B, which the Council discussed.

### **Motion**

**Rick Dutson** moved to authorize the Mayor to sign a revocation and abandonment of easement document approving the abandonment of easements described and illustrated as “A” and “B” shown on the Hidden Quail Cove Subdivision plat; and authorizing the City to accept a PUE easement identified as “C” on the plat, with the understanding that Clyde Heiner would pay engineering and legal costs associated with this change. The motion was seconded by **Paula Alder**, and passed unanimously.

### **REQUEST TO CONSIDER AMENDING PERSONNEL POLICIES & PROCEDURES TO ACCOMMODATE HIRING OF RELATIVES IN FIRE DEPARTMENT (Agenda Item #5)**

**Mayor Harbertson** introduced this Request, and stated that City staff is recommending tabling the issue. He said that Fire Chief Larry Gregory would like to hire additional firemen, including his son, who is well-qualified, but this currently is against State policy. Fire department staff would like to discuss hiring of relatives with the Council before a decision is made. **The Mayor** said this practice is common in many fire departments.

**Rick Dutson** expressed concern over potential conflicts due to family relationships in interpersonal and employee situations, and he suggested caution. **Max Forbush** said although current policy prohibits the practice of hiring of family members, the Fire service has a tradition across the country of family involvement. He said the City Attorneys have recommended against approval, but will be asked to re-consider the issue.

**Sid Young** said the experience and qualification of the Fire Chief’s son is significant, but it is also important to review the law since the issue is in direct conflict with the State ordinance. **Max Forbush** said City policy is similar to State law. **Cory Ritz** pointed out that public safety and fire service is often a family affair, and that qualified personnel may run short.

### **Motion**

**David Hale** moved to table the Request to consider amending Personnel Policies & Procedures to accommodate hiring of relatives in the Fire Department, until legal review is complete. **Cory Ritz** seconded the motion, which passed unanimously.

**Max Forbush** said he would ask Todd Godfrey to draft an opinion, and that the Personnel Committee would meet so that this issue will be on the next Council agenda.

**REQUEST FOR WAIVER OF SITE PLAN ENGINEERING DEPOSIT FEES (Agenda Item #6)**

**Mayor Harbertson** briefly reviewed the City's reasons for denying CenterCal's request to waive engineering deposit fees for the proposed Station Park project.

**Motion**

**Sid Young** moved to deny CenterCal Properties' Waiver Request of site Plan Engineering Deposit Fees, and to authorize the City Manager to send a letter advising CenterCal that the engineering review fees will cover incurred costs only. **Rick Dutson** seconded the motion, which was approved unanimously.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7)**

- 7-1. Ratification of approvals of Construction Bond Agreements -**
- 7-2. Approval of December's list of disbursements**
- 7-3. Authorization for City Manager to sign UTA indemnification Agreement**
- 7-4. Assign Personnel Committee to review compensation adjustment recommendation.**
- 7-5. Approval of ordinance amending Title 3-03-070 pertaining to Farmington Youth City Council**

**Mayor Harbertson** briefly reviewed each of the items on the summary action list.

With regard to Item 7-3 (UTA Indemnification Agreement), **The Mayor** clarified that a

letter received from UTA accepted full responsibility for the safety of the pedestrian overpass at the Farmington FrontRunner Station. He said City Attorney Todd Godfrey advised signing the agreement. **Rick Dutson** said he had expected a third party review, and **Max Forbush** said the third party did not make an interpretation of Code, but rather simply approved the safety of the overpass.

Regarding Item Item 7-4, **Mayor Harbertson** said that **Sid Young** and **David Hale** would serve on the Personnel Committee to review the compensation adjustment recommendations. **Mr. Forbush** suggested the committee meeting be held on Tuesday, February 12<sup>th</sup>, 2008 between 6:00 and 7:00 p.m.

Pertaining to Item 7-5 concerning the Youth City Council, **Paula Alder** suggested wording changes in the ordinance amending Title 3-03-070, (c), reflecting reasons for removal of members, such as are stated in the YCC By-laws.

#### **Motion**

**David Hale** moved to approve Items 7-1 through 7-4 of the Summary Action List. **Paula Alder** seconded the motion, which was approved unanimously.

#### **Motion**

**David Hale** made a motion to approve Item 7-5, the ordinance amending Title 3-03-070 pertaining to removal of members of the Farmington Youth City Council (Item 7-5), and adding the phrase “for cause as stated in the By-laws” on Item (c) of Exhibit “A”. The motion was seconded by **Paula Alder**. A roll call vote was taken, and Council members **Alder, Dutson, Hale, Ritz,** and **Young** all voted in favor.

#### **APPROVAL OF AGREEMENT AND RELATED SCOPE OF WORK BETWEEN CITY AND LOGAN-SIMPSON DESIGN REGARDING CONSERVATION SUBDIVISION ORDINANCE TEXT AMENDMENTS (CHAPTER 12, ETC., OF TITLE 11) (Agenda Item #8)**

**Mayor Harbertson** said that more information is needed with respect to additional meetings and the number of people involved.

#### **Motion**

**Rick Dutson** moved to table the approval of the Conservation Subdivision Ordinance Text amendments (Chapter 12, etc., of Title 11) Agreement and related scope of work between the City and Logan-Simpson Design, pending further clarification of the hours involved, and the cost per

hour. **David Hale** seconded the motion, which passed unanimously.

**DRAFT INTER-LOCAL AGREEMENT BETWEEN CITY AND DAVIS SCHOOL DISTRICT PERTAINING TO USE OF CITY AND SCHOOL DISTRICT RECREATION FACILITIES (Agenda Item #9)**

**Max Forbush** stated that a meeting with the School District is scheduled for February 27<sup>th</sup>, 2008, regarding an interlocal agreement being developed for the use of recreation facilities, and he said that this agreement is the same in all cities. **Rick Dutson** raised concern over how insurance issues will be handled, and suggested that perhaps arbitration should be identified as an alternative in the event of a dispute.

There was some discussion of the Council regarding playing fields. **Cory Ritz** said that bus routing will need to be addressed when Glover Lane is reopened. **Sid Young** suggested strengthening the wording of Item #17 of the Interlocal Agreement with regard to who will coordinate use of the facilities. He also questioned whether the burden of responsibility of coordinating facility use should fall entirely upon the Recreation director.

**APPROVAL OF ORDINANCE AMENDING BEER LICENSING ORDINANCE (Agenda Item #10)**

**Mayor Harbertson** explained this Agenda Item, and **Max Forbush** distributed a portion of the amended beer licensing ordinance reflecting the timing changes of Section 6-5-150 regarding license expiration and renewal. There was brief discussion concerning the recommendation of the City Attorney. It was pointed out that this is a standard ordinance, and that the City is relying on the attorney's recommendation.

**Motion**

**David Hale** made a motion to approve the Ordinance amending the beer licensing Ordinance. The motion was seconded by **Paula Alder**. A roll call vote was taken, and Council members **Hale, Alder, Dutson, Ritz, and Young** all voted in favor.

**RESOLUTION AMENDING 5.035 OF CITY PERSONNEL POLICIES REGARDING BACKGROUND INVESTIGATIONS (Agenda Item #11)**

**Max Forbush** handed out the latest draft of the Resolution amending City Personnel Policies regarding background investigations, which **Mayor Harbertson** briefly reviewed. **Max Forbush** said that this item and the next item (Resolution to provide right of access to Utah Criminal History) were both passed, but needed slight adjustment to meet the BCI (Bureau of Criminal Investigation) requirements.

**Sid Young** commented that the employment background checks would identify illegal immigrants. It was clarified that these investigations would apply to current and prospective employees, including some volunteers, youth coaches, and others.

### **Motion**

**Rick Dutson** moved to adopt the Resolution amending 5.035 of City Personnel Policies regarding background investigations for current and prospective employees and volunteers. **Paula Alder** seconded the motion, which passed unanimously.

### **RESOLUTION ENACTING A SUB-SECTION TO THE POLICE DEPARTMENT POLICY MANUAL TO PROVIDE RIGHT OF ACCESS TO UTAH CRIMINAL HISTORY (Agenda Item #12)**

**Mayor Harbertson** introduced this Agenda item, which **Max Forbush** briefly explained.

### **Motion**

**Sid Young** made a motion to approve the Resolution enacting General Order 121 of the Police Department Policy manual to provide right of access to Utah Criminal History. **Paula Alder** seconded the motion, and the Council voted unanimously in favor.

### **RESOLUTION APPOINTING STATUTORY OFFICERS (Agenda Item #13)**

**Mayor Harbertson** said this Resolution is needed for the City Recorder and City Treasurer, even though Treasurer Gloria Anderson will be leaving soon. The salary and position of City Treasurer was discussed.

### **Motion**

**Paula Alder** moved to approve the Resolution Appointing **Margy Lomax** as Farmington City Recorder and Gloria Anderson as Farmington City Treasurer. **Rick Dutson** seconded the motion, which passed unanimously.

### **PRELIMINARY REVIEW OF PROPOSED BUDGET CHANGES TO BE CONSIDERED AT FEBRUARY 19 CITY COUNCIL MEETING (Agenda Item #14)**

**Mayor Harbertson** said a public hearing will be held on the proposed budget changes at the next Council meeting. It was pointed out that **Keith Johnson** will be providing monthly, rather

than quarterly, financial reports to the Council.

### **MAYOR HARBERTSON'S REPORT (Agenda Item #16)**

\_\_\_\_\_ **Mayor Harabertson** reported on a number of items, including:

\_\_\_\_\_ The Youth City Council members are invited to attend the Visioning Committee meeting planned for 7:00 p.m. on February 12<sup>th</sup>, 2008. **Max Forbush** stated that the meeting would be highly interactive.

\_\_\_\_\_ **The Mayor** said he asked **Max Forbush** to find out the results of the Police Department physical fitness test.

\_\_\_\_\_ **The Mayor** reported that he spoke with Police Chief Hansen about contacting UDOT concerning the re-striping of Shepard Lane. \_

\_\_\_\_\_ **Mayor Harbertson** reported that Uniting Neighbors are holding an appreciation dinner in May, and have requested that the City provide the name, address, and phone number of a Farmington resident who has committed time and energy as a volunteer. The Council considered possible nominees.

\_\_\_\_\_ **The Mayor** reported that Lagoon has requested buying a one-third page advertisement in the Farmington newsletter, and the Council discussed increasing the cost of an ad this size to six hundred dollars. **The Mayor** said a Resolution would need to be passed allowing for this increase.

### **CITY COUNCIL REPORTS (Agenda Item #17)**

\_\_\_\_\_ **Cory Ritz** reported on a citizen concern about the new "No Parking" zone on Main and Streets.

\_\_\_\_\_ **Sid Young** reported on Utah League of Cities and Towns policy committees. He also reported on items on a Bill Watch document, which included water forfeiture, land use, privatization, and ani-flow control.

\_\_\_\_\_ **David Hale** mentioned the upcoming convention in Washington D.C. of the National League of Cities and Towns, and the need for the City to participate in order to have access to contact with State legislators. He reported on efforts that are underway to address the new transportation corridor, acquiring a new post office, and other issues.

\_\_\_\_\_ **Mr. Hale** said a letter regarding the post office needs to be sent to Senator Hatch as quickly as possible, and the Council briefly discussed this issue. **Max Forbush** suggested that another



issue to be worked on in this regard is the Shepard Lane local interchange. **David Hale** said there will be a meeting with Lance Walker, Senator Hatch's transportation aide.

**Paula Alder** reported on the upcoming Sweetheart Serenade, and the Youth City Council election of officers. In response to **Paula Alder's** report of a citizen call, the Council discussed the issue of snow removal.

It was announced that the date for the League conference is April 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>. in St. George. **Margy Lomax** said detailed information had not yet been received. **The Mayor** asked Council members to email him confirming attendance, and requested that **Margy Lomax** reserve rooms.

**The Mayor** said that **Rick Dutson** would be attending a Chamber of Commerce meeting on April 17<sup>th</sup>. He also asked **Margy Lomax** to schedule Council pictures prior to a Council meeting. The Council discussed a fund-raising dinner for Davis Reads, which **Sid Young** volunteered to attend.

### **Motion**

**Rick Dutson** moved to approve sending **Sid Young** to the Davis Reads fund-raising dinner. **David Hale** seconded the motion, which passed unanimously.

### **MISCELLANEOUS (Agenda Item #18)**

#### **a. Miscellaneous Items**

**Max Forbush** updated the Council on the 1075 West Shepard Lane project. He said that the intersection does not warrant a four-way stop, and the Council discussed the implications of removing the stop signs.

**Mr. Forbush** said UDOT requirements, issues of signage and traffic control, and costs regarding fencing the bridge at Shepard Lane will be addressed at the next Council meeting. The location of the sidewalk was discussed.

### **ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #19)**

These items were not discussed.

### **ADJOURNMENT**

**Rick Dutson** moved to adjourn the meeting at 8:45 p.m. The motion was seconded by **Sid Young** and passed unanimously.

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Holly Gadd  
Farmington City Deputy Recorder